

State of Rhode Island and Providence Plantations

Public Utilities Commission

Minutes of Open Meeting Held March 18, 2004

Attendees: Chairman Elia Germani, Commissioner Kate Racine, Commissioner Robert Holbrook, Steve Frias, Cindy Wilson, Thomas Massaro, Alan Nault, Douglas Hartley and Luly Massaro.

Chairman Germani called the open meeting to order at 2:00 P.M. in the first-floor hearing room of the Public Utilities Commission. A quorum was present.

Competitive Telecommunications Service Providers:

The following company registered to operate in Rhode Island. The Division has reviewed the registration and recommends approval of:

2262(A19) - NECC Telecom, Inc. (filed 03/01/04)

2262(B19) - McGraw Communications, Inc. (filed 03/01/04)

After review, Chairman Germani asked for a motion and Commissioner Racine moved to approve the registration. The motion was seconded by Commissioner Holbrook and unanimously passed. **Vote 3-0.**

The following companies submitted tariff revisions. The Division has reviewed the tariff filings and does not recommend suspension of:

2426 - TCG Rhode Island (filed 03/04/04 & 03/05/04)

2618 - AT&T Communications of New England, Inc. (filed 03/04/04)

3408 - Fiber Technologies (filed 03/02/04)

3315 - T-NETIX Telecommunications Services, Inc. (filed 03/08/04)

3059 - Broadview Networks (filed 03/03/04)

3028 - Qwest Communications (filed 02/25/04)

2262(K) - SNET America, Inc. (filed 03/05/04)

2262(C8) - CTC Communications Corp. (filed 03/09/04)

2262(O17) - Full Channel TV, Inc. (filed 02/18/04)

2262(V5) - BellSouth Long Distance, Inc. (filed 03/02/04)

After review, the Commission followed the Division's recommendation that the tariff filings be allowed to go into effect without suspension.

The following company ceased operations and requested that its authority to provide telecommunications service be rescinded:

2262(C1) - Cable & Wireless USA, Inc. (filed 03/09/04)

After review, Chairman Germani asked for a motion and Commissioner Racine moved to rescind the authority of the company. The motion was seconded by Commissioner Holbrook and unanimously passed. **Vote 3-0.**

3589 – Verizon Rhode Island: Verizon submitted a tariff filing to add an optional LAN web-based management toll service that will let customers monitor their network for

effect March 25, 2004. After review, the Commission followed the Division recommendation that the tariff filing be allowed to go into effect without suspension.

3363 – Verizon Rhode Island: Verizon submitted a tariff revision to RIPUC No. 18 to provide for the quarterly update of the Unbundled TC Reciprocal Compensation Charge. The unbundled TC reciprocal compensation composite rates are recalculated on a quarterly basis to reflect the average rate per minute paid to CLECs by the telephone company over the previous three-month charge for effect April 1, 2004. After review, the Commission followed the Division recommendation that the tariff filing be allowed to go into effect without suspension.

3550 – Triennial Review of FCC Order: Discussion related to pleadings and response submitted by the parties as a result of the recent DC Court of Appeals opinion (issued 3/2) vacating the FCC's delegation to the state commission to investigate whether CLECs are impaired without access to certain unbundled network elements. After discussion, Commissioner Racine moved to grant a motion to temporarily stay the TRO and hot cut proceedings. Also, to accept the Division's recommendation that the status quo for UNEs be maintained in Rhode Island. The Commission will periodically review if the stay should be lifted. The motion was seconded by Commissioner Holbrook and unanimously passed. **Vote 3-0.**

3586 - New England Fast Ferry LLC and RIPTA: The Company filed to amend its tariff for RIPTA-sponsored ferry transportation between Providence and Newport for the 2004 summer season commencing May 1, 2004. The Company proposes a \$1.00 increase for one-way tickets and a \$2.00 increase for round trips. The Division filed a recommendation indicating that it has reviewed the tariff filing and recommended approval. After review, Chairman Germani moved to approve the tariff filing as filed. The motion was seconded by Commissioner Racine and unanimously passed. **Vote 3-0.**

3592 – Narragansett Bay Commission: NBC filed new rates designed to generate additional revenues by \$4,967,683 or 9.65% for effect April 1, 2004. After review, Commissioner Racine moved to suspend the rates to conduct discovery and hearing. The motion was seconded by Commissioner Holbrook and unanimously passed. **Vote 3-0.**

3593 - Pawtucket Water Supply Board: PWSB filed new rates designed to generate additional revenues by \$3,414,969 or 25% for effect April 1, 2005. The purpose of this filing is solely to secure approval of new rates sufficient to pay debt service on new bonds that all is to be issued in fiscal year 2004 and 2005 for purposes of building the new water treatment plant. PWSB also filed a Motion For Exemption From the Filing Requirements (of certain financial information) under Section 2.10 of the Commission's Rules of Practice and Procedure. No objection was filed to the motion. After review, Commissioner Racine moved to grant PWSB's Motion for Exemption From the Filing

Requirements pursuant to Section 2.0 of the Commission's rules to the extent that a waiver was necessary, and finding that the filing requirements were satisfied by the information provided in the instant docket and Docket 3497. The motion was seconded by Commissioner Holbrook and unanimously passed. **Vote 3-0.**

3569 – Investigation Into the Feasibility of Using Credit as a Method of Paying Utility Bills: The Commission agreed that it is a utility's management decision if it chooses to accept credit card as a method of paying utility bills, and that the Commission would have to promulgate rules that would govern the use of credit cards by utilities. After discussion, Commission Racine moved that utilities be allowed to accept credit cards as a method of paying utility bills, and 2) that the convenience fee or cost be paid by the card user. The motion was seconded by Commissioner Holbrook and unanimously passed. **Vote 3-0.** The Commission directed staff to draft proposed rules that will incorporate this decision, set parameters by which a utility can accept credit card and outline requirements that are necessary to protect the ratepayers.

There being no further business to discuss, the open meeting adjourned at 2:35 P.M.